

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0116

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

SAMUEL AARON. BELANGER,

Defendant and Appellant.

FILED

AUG 02 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION TO VOLUNTARILY DISMISS APPEAL**

COMES NOW, Defendant and Appellant Samuel Aaron Belanger, by and through his counsel of record, Koan Mercer, and moves to voluntarily dismiss his appeal in the above entitled cause, DA 10-0116.

Appellant makes this motion pursuant to Mont. R. App. P. 16 on the ground and for the reason that the Appellant does not wish to continue with his appeal. *See* Exhibit A (Appellant's Affidavit).

Counsel for the State has been contacted regarding this motion and does not object.

Respectfully submitted this 2nd day of August, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: Koan Mercer
KOAN MERCER
Assistant Appellate Defender

8-2-10
DATE

By: Samuel A. Belanger
SAMUEL AARON BELANGER
Defendant/Appellant

29 JUL 10
DATE

CERTIFICATE OF SERVICE

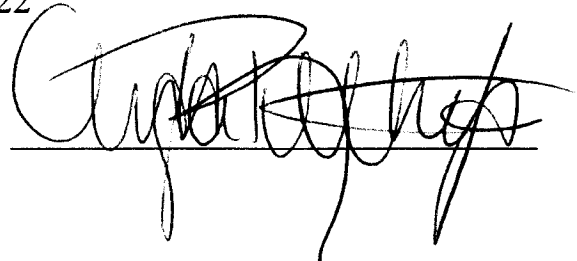
I hereby certify that I caused a true and accurate copy of the foregoing
Motion to Voluntarily Dismiss Appeal to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

ROBERT ZIMMERMAN
Sanders County Attorney
P.O. Box 519
Thompson Falls MT 59873

SAMUEL AARON BELANGER 2060357
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

DATED: August 2, 2010

A handwritten signature in black ink, appearing to be "Cynthia R. [unclear]", written over a horizontal line.

AFFIDAVIT

STATE OF MONTANA)
 : ss.

County of Powell)

I, Samuel A. Belanger, Appellant in the above referenced case, state as follows:

1. I have spoken and corresponded with my attorney, Koan Mercer, about this appeal.

We have discussed both the procedural and substantive aspects of this direct appeal as well as likely outcomes and other remedies, such as postconviction relief.

2. I wish to withdraw this direct appeal (DA 10-0116) and will instead pursue filing a petition for postconviction relief.

3. I acknowledge that I have had sufficient communication with my attorney and am satisfied with the advice he has given me.

Respectfully submitted this 28th day of July, 2010.

Samuel A. Belanger
SAMUEL A. BELANGER
Appellant/Defendant

SUBSCRIBED AND SWORN to before me this 28th day of July, 2010.

Terrri S. Guthrie
TERRI S. GUTHRIE

Printed Name:

Notary Public for the State of Montana

Residing at Deer Lodge

My commission expires 5/27/2013

